

TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

MAY 18, 2009

Study Session

City Manager Jon Crusey opened the Study Session at 6:30 p.m. on this date.

Roll Call

Council Members in attendance included: William D. Beagle, George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, Mayor Evans, and Vickie Blakey. Others in attendance included: City Engineer Scott Vagedes, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

Guests signing the register: Gene Luther, Teckla Dando, John Dando, James Dando, Philip Miller, Connie Geel, Judy Hull, Rick Geel, Pamela Hale, Anne Reddig, Kaitlyn Pierce, Melissa Fowle, Brenna Fowle

Discussion – Stop Signs at Bellaire and Arapaho

City Manager Crusey provided an overview of the events occurring with regards to the stop signs at Bellaire and Arapaho and reminded Council that they have already been provided with a summary of the April 30th meeting with residents. Mr. Crusey noted that most residents prefer having a 4 way stop or, if a 4 way stop is not possible, they would like for the signs to be moved to their original positions. There was some support at the previous meeting from residents who supported the change with Bellaire being the through street. Mr. Crusey stated that from an engineering standpoint, Bellaire should be the through street with Arapaho, because it is a cul-de-sac and should be the stop street.

The following items were discussed by Councilmembers and City Staff:

- According to The Ohio Manual of Uniform Traffic Control Practices this location does not meet the qualifications required for a 4-way stop. These are not guidelines, but a manual that is recommended by the State. This is not a mandate, but they are rules we should follow.
- Leaving the area a 4-way stop will increase the City's liability because we aren't following the stipulations of the Manual or recommendations of the state.
- Making the stop a 4-way instead of a 2-way stop will make it safer. If you improve upon guidelines, you are exceeding guidelines.
- Making the area a 4-way stop does not necessarily make it safer. The Ohio Manual of Uniform Traffic Control Practices recommendations have been made after studies have been completed regarding safety issues. The Manual provides a "safe harbor".
- The Manual states that engineering judgment may be used with 2 way stops, but there is no leeway for 4-way stops.
- Councilmembers apologized to citizens for not informing them of the change before it occurred.

- The City would take on unnecessary liability if we ignore the situation since it has been brought to the attention of Council.
- The Manual has been in place since at least 2003 and states that a 4-way stop must have an average of at least 300 vehicles per hour for any 8 hour period. There might be other 4-way stops in the City that do not meet these standards.
- In 2008 Engineering Assistant Ted Rusen, City Engineer Scott Vagedes, and Chief of Police Tom Davidson looked at all intersections including the 4-way stops. No judgments or changes were made to existing 4-way stops. 2-way stops allow judgment of engineering and 3 within the community were reviewed for possible change. One was the stop at Arapaho and Bellaire. The others were 2-way stops at 3 way intersections. One of these stops was removed making one the through street and one a stop. Did not change or add any 4 way stops.
- Manual is used throughout the state of Ohio, is incorporated into the Ohio Revised Code, and is part of our ordinances.
- There are other 4-way stops in the City that may not meet rules, but an engineering study has not been done. No changes were made to these 4-way stops.
- One of the most heavily litigated areas is vehicle crashes. There are a lot of cases where they didn't stay within safe harbor of this manual. Recommendation made that the City implement a reasonable process to identify all other intersections that aren't in compliance with the manual and put in place a timely program to review, address problems, and fix.

The meeting was then opened up for comments from residents, as follows:

Rick Geel, 933 Arapaho. Mr. Geel stated he has lived in this neighborhood for close to 30 years. Without the engineering study, they really don't know which highest load bearing street is. Since the Manchester Chase area is open, there is a lot of traffic north of Arapaho, but the portion where Arapaho goes into Bellaire there is an equal amount of traffic on Southbound Bellaire. Until you do a study, you won't know which one has the highest load bearing traffic you can't decide which one has the stop sign.

Mr. Lovett asked if the City owns equipment to do an engineering study in house. Mr. Vagedes replied that it would have to be contracted out.

Jim Dando, 915 Arapaho Trail. Mr. Dando stated that Council could have it both ways because Arapaho is a cul-de-sac on one of the legs but not the other. The thru route makes a turn at Arapaho and Bellaire and it does not go straight through the intersection. Mr. Dando added that the manual does provide optional criteria, one of which is left turns. Mr. Dando provided Council a letter with his recommendations (attached).

President Hale questioned Mr. Dando's comment about leeway for left turns. Mr. Dando replied that the manual includes optional criteria including left turns. He added that Mr. Vagedes is absolutely correct; where there is a through street carrying more traffic it is very clearly the through street. However, Mr. Dando does not believe that is the situation here. He believes that if a traffic study is run, the City will find a greater number of vehicles on the east part of Arapaho and the South part of Bellaire. These are not straight through streets in terms of the traffic that they are carrying, giving you leeway.

Mr. Lovett asked if Mr. Dando was saying that physical layout of the street does not determine if it is a through street. Mr. Dando replied that it does as a through street, but as a through route for the traffic, that is the concern for the traffic safety. He is suggesting that this intersection does not fit the standard intersection. Example is Hyatt and Walnut. Hyatt St. carries much more traffic, so the stop signs go on Walnut. But that is a situation where traffic is going straight through intersection. This is not the predominant movement at Bellaire and Arapaho which makes it a different situation.

President Hale asked for a clarification of through street vs. through route. Mr. Vagedes replied that there is no difference between a through street and a through route. He added that the intersection will not carry 2400 cars in an 8 hour period. We'll be lucky if we get 1000-1500 in a 24 hour period and he does not see latitude in manual.

Gene Luther, 841 Arapaho, stated that this area has become a short-cut for a lot of people to get to the high school and work. Mr. Luther stated that a 4-way stop provides a safer atmosphere specifically since there are children in close proximity. He added that the City would have more liability if something were to happen with one of those children than for a minor traffic accident because of the 4 way stop.

Tekla Dando, 915 Arapaho Trail, stated that her comment from the workshop on April 30th was not included in the summary. Mrs. Dando stated that for the first time since she has lived on Arapaho, when the stop sign was changed she was afraid to pull out of her street due to limited visibility and the length of time people would have to pull out. She added that Windsor Crossing makes a 90 degree turn and changes names to Bellaire which leaves the distance of two side yards. In that distance you would have 2-3 seconds to see the intersection when you have the right-of-way. Mrs. Dando reported that she does not believe that a family with small children or most pedestrians could clear intersections in the time provided. She believes the safest thing to do is to leave as 4 way stop; the most dangerous is to make Bellaire the through street because of limited visibility. Mrs. Dando also provided a letter with her recommendations (attached).

Melissa Fowle, 12 Pueblo Court, states that she travels Bellaire and Arapaho instead of Manchester Chase because it is faster and that when the stop signs were changed, you didn't know who was supposed to stop. Mrs. Fowle believes that the 4 way stop should stay especially with kids driving in that area.

Ann Rettig, 1013 Arapaho, reported that she has lived there for 22 years and they have always argued that Arapaho should have a stop sign. She asked if the entire reason a 4 way stop cannot be left in places is because the City believes someone will sue if they are in an accident due to being stopped incorrectly. Mr. Moore stated it is not because they are going to fight a traffic ticket, but that a civil case can occur because of an accident. Mrs. Rettig then stated that residents were not made aware of the change and that Council has spent a lot of time and wasted a lot of time. She added that the City doesn't have money to spend on traffic studies if they don't have the money to pick up leaves. Mrs. Rettig stated "We like the 4 way stop, if it's illegal, we don't care."

Mr. Kessler stated that citizenry has gotten used to government taking care of them. We have gotten out of the mode of taking responsibility for our own mistakes. Our society as a whole has started pointing fingers and going after our governments. Our job as council is to make sure the community is as safe as we can. Certain amount of responsibility comes upon citizens, that if we make a mistake it is our responsibility. Mr. Kessler added that he appreciates citizens coming forward and being involved in your government.

Mayor Evans stated that there has been information presented that deserves more research. He requested that Mr. Vagedes and Mr. Moore research and bring back additional information to Council.

President Hale thanked the residents for coming to the Council meeting and added that Council will gather more additional information and will discuss this topic again.

The study session concluded at 7:30 p.m.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council

Adjournment

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

MAY 18, 2009

Roll Call

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, President Patrick A. Hale, Dolores Gillis, Vickie Blakey, Mayor Tim Evans, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Joseph P. Moore, Assistant City Manager Bradley Vath, Finance Director Richard Drennen, City Engineer Scott Vagedes, Fire Chief Steve Kessler, Assistant Utilities Director Christy Butera, *Dayton Daily News* reporter Nancy Bowman, *Sunday Record Herald* reporter Joyell Nevins, and Clerk of Council Cathy Ross.

Guests signing the register included: Pamela Hale, Kaitlyn Pierce, Melissa Fowle, Brenna Fowle, Parker Housman, Aaron Peacock, Steve Chaney, Alyshia Delay, Ashley Hopkins, Jess Plummer, Zakk Weichbrodt, Josh Vinski, Kyle Lackey, C. Smith, Linda Dorsey, Donna Warner, Josh Smedley, Georgia Bayman, David Werts, Carol Wernicke, Tom Bacher, Jon Vollmer, Dustin Craig, Jeanette Herzog, Cole Martin, Andrew Leshar, Tommy Hughes, Ethan Spahr, Jesse Clark, Hallie Donathan, Eli Sowry, Chris Farmer, Ryan Myers, Kevin Plason, Jonathon Roon

Invocation and Pledge of Allegiance

Pastor Chris Farmer from the Tipp United Methodist Church delivered the invocation and President Hale led the Pledge of Allegiance.

Approval of Agenda Amendment

Mayor Evans made a motion to amend the agenda to include a Proclamation for Poppy Days. Motion was seconded by Mr. Lovett and unanimously approved.

The amended agenda was approved by a motion from President Hale, seconded by Mr. Kessler.

Adoption of Minutes

Mr. Beagle moved, seconded by Mr. Lovett, to approve the minutes of the May 4, 2009 Pre-Meeting Study Session. The motion carried 7-0.

President Hale moved, seconded by Mr. Lovett, to approve the minutes of the May 4, 2009 Meeting. The motion carried 7-0.

Presentations, Proclamations, and Awards

Mayor Evans named the month of May, 2009 as Poppy Days in Tipp City. Mayor Evans noted that he will be presenting the Proclamation to the Tipp City American Legion Auxiliary at the Veteran's Memorial Park on Tuesday at 10 a.m. and encouraged the public to participate. He also reminded citizens that the Memorial Day ceremony will take place on Monday morning at the cemetery.

Ordinance (Second Reading)

The following ordinances were presented to City Council for adoption.

Special Assessments

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches in various locations within

Throughout City

the City of Tipp City. (Sponsored by President Hale)

Clerk of Council Summary: This ordinance authorizes the levying of sidewalks, curbs, gutters and driveway approaches for certain property owners throughout the City of Tipp City.

City Manager Report: The adoption of this ordinance would levy special assessments for the construction of curbs, gutters and sidewalks completed as part of the 2008 sidewalk program. City Council previously adopted Resolution 21-08 declaring it necessary to construct said curbs, gutters and sidewalks. Affected property owners were sent an estimate prior to construction and an invoice following construction. The assessments set forth in this ordinance are due by the private property owner within thirty (30) days after its passage, or, at the option of the property owner, assessed in ten (10) annual installments with an annual interest rate of 4%. Otherwise, uncollected assessment will be certified to the County Auditor to be placed on the tax duplicate.

There being no further discussion, President Hale sponsored this ordinance and moved for its adoption, seconded by Mr. Beagle. The motion carried with a 7-0 vote. Ordinance 12-09 was declared passed and President Hale affixed his signature in witness thereto.

Special Assessments
North Hyatt Street

An ordinance levying special assessments for the construction of curbs, gutters, sidewalks and driveway approaches on North Hyatt Street from Park Avenue north to 1000 feet south of Kessler Cowlesville Road. (Sponsored by Mrs. Blakey)

Clerk of Council Summary: This ordinance authorizes the levying of sidewalks, curbs, gutters and driveway approaches for certain property owners on North Hyatt Street from Park Avenue to Kessler Cowlesville Road.

City Manager Report: The adoption of this ordinance would levy special assessments for the construction of curbs, gutters, sidewalks and driveway approaches completed in conjunction with the N. Hyatt Street Reconstruction Project. City Council previously adopted Resolution 04-08 declaring it necessary to construct said curbs, gutters, sidewalks and driveway approaches. Affected property owners were sent a preliminary estimate and final estimate prior to construction and an invoice following construction. The assessments set forth in this ordinance are due by the private property owner within thirty (30) days after its passage, or, at the option of the property owner, assessed in ten (10) annual installments with an annual interest rate of 4%. Otherwise, uncollected assessment will be certified to the County Auditor to be placed on the tax duplicate.

There being no further discussion, Mrs. Blakey sponsored this ordinance and moved for its adoption, seconded by Mr. Kessler. The motion carried with a 7-0 vote. Ordinance 13-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolutions
(One Reading Required)
Resolution 23-09**

The following resolutions were presented to City Council for adoption.

A resolution declaring the "Pride of Tipp Mum" to be the official flower

Pride of Tipp Mum

of Tipp City.

Clerk of Council Summary: The America in Bloom Committee has voted to name a scarlet mum as the official flower of Tipp City to be called the "Pride of Tipp Mum".

City Manager Report - The adoption of this resolution would recognize the "Pride of Tipp Mum" as the official flower of the City of Tipp City. The adoption of an official city flower as well as the selection of this specific mum is the recommendation of the America In Bloom (AIB) Committee.

There being no further discussion, Mayor Evans sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis. The motion carried with a 7-0 vote. Resolution 23-09 was declared passed and President Hale affixed his signature in witness thereto.

Ordinance __-09
Industrial Sewer Use
Regulations

Mr. Lovett sponsored an ordinance amending Sections §54.02, §54.10, §54.13, §54.39, §54.51, §54.52, §54.56 & §54.67 of the Tipp City, Ohio Code of Ordinances to revise the Industrial Sewer Use Regulation.

Clerk of Council Summary: This update was discussed with Council during their May 4th study session and amends and updates existing industrial pretreatment ordinances to make existing regulations more clear.

City Manager Report: The Municipal Industrial Pretreatment Program (MIPP) is mandated under the federal Clean Water Act. Tri-Cities North Regional Wastewater Authority (TCA) is responsible for implementing this program as part of its National Pollution Discharge Elimination System (NPDES) permit. This ordinance amends and updates existing industrial pretreatment ordinances to make existing regulations more clear. This update was discussed during Council's May 4th study session with David Heckler, TCA General Manager, and Holly Weatherhead of Veolia Water North America, TCA Plant Manager.

Ordinance __-09
Supplemental
Appropriations

Mayor Evans sponsored an ordinance supplementing the appropriations in Ordinance 48-08.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2009 fiscal year budget in the total amount of \$811,326..

City Manager Report: The adoption of this resolution would authorize additional appropriations for FY 2009 in the amount of \$811,326, as follows: 1) \$200 - Street Assessment Bond Retirement Fund to account for the fees charged by the County Auditor for the collection of this assessment. This additional amount has already been collected by the City from affected property owners. 2) \$290,316 - Capital Improvement Reserve Fund to account for the stimulus funding being received from ODOT for the repaving of Evanston Road. 100% of the cost of this project will be borne by ODOT so long as the project does not exceed the \$290,316 grant amount; 3) \$520,810 – Water Fund - to account for an OPCW grant for Clean Ohio Conservation Program Funds to be used for the acquisition of 130 acres of land to be preserved and used for well field protection purposes. The State is contributing

\$385,399 with an additional \$90,400 coming from a private donor. The City will contribute \$15,011 towards this project with another \$30,000 from in-kind contributions (easement).

Motions

Mr. Moore reviewed with Council the revised Public Records Policy and noted that the policy now includes emails. This proposed policy was received from the Ohio Attorney General. Page 5, Section 2 of the policy states that "Records in private e-mail accounts of public officials, when such accounts are used to conduct public business, are subject to disclosure." Mr. Moore noted that the Supreme Court of Ohio says that even text messages can be construed as public records. This revised policy also lists the times records may be requested from various departments and revises the costs associated with copying. Council discussed ways of preserving their emails sent from private computers. Mr. Crusey stated that the City will be purchasing an email archival system at a cost of \$5,000-6,000 and informed Council that emails from their private computers could be forwarded to their City email address. Motion was made by President Hale to adopt the revised Public Records Policy, seconded by Mr. Kessler and unanimously approved.

Citizen Comments

There were no citizen comments.

Councilmember Comments

Mayor Evans reported that students from Broadway recently visited the Government Center and he had a pleasurable time with them. He hoped the kids were watching KIT-TV. He wished residents a happy Memorial Day and reminded everyone of the parade and the placing of the wreath on the grave at the cemetery. Mayor Evans also congratulated the graduating seniors.

Mr. Kessler stated that every year the American Legion puts the flags out for Memorial Day. He requested help from residents as he is the youngest member of the Legion to take part in this annual event and encouraged residents to take part in the Memorial Day activities.

Mr. Lovett congratulated the students who participated in Footloose at the High School and noted that he has seen their production several times.

Mr. Beagle thanked the America in Bloom Committee for their work on selecting and naming the new Tipp City Flower and acknowledged the representatives who were present at the meeting.

President Hale also thanked the America in Bloom Committee and the Senior Citizens for their work in the selection and naming of the new Tipp City Flower.

City Manager Comments

Mr. Crusey reported that the Tippecanoe Family Aquatic Center would be opening on Memorial Weekend with Saturday being Members Only Day and Sunday being open to all. The official grand opening celebration will be on Monday.

Adjourn to Executive Session

President Hale made a motion to adjourn to Executive Session to discuss pending litigation to include City Council, City Manager Jon Crusey, Assistant City Manager Vath, and Law Director Joe Moore. Motion was seconded by Mr. Kessler and unanimously approved.

Adjournment

Council adjourned the Executive Session/Council Meeting at 8:29 p.m. with a motion made by Mrs. Blakey, seconded by President Hale.

Patrick A. Hale, President of Council

Attest: _____
Cathy Ross, Clerk of Council